

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Scot Decker,)
Plaintiff,)
v.)
I.E. Miller Services, Inc., et. al)
Defendants)
)
)

)) **TROY BAKKEN DEPOSITION**
)

) **RULINGS**
)

) Case No. 4:14-cv-00088
)

)

The following are the court's rulings with respect to the designations and objections by the parties for the presentation of the deposition testimony of the above-named witness.

| Party | Designation | Objection | Ruling | Allowed |
|-------|-------------|--|----------------------------|---------------------------------------|
| D | 5/9-9/6 | P objects to 8/12-8/14 as leading | Sustained | 5/9-8/11 8/17-9/6 |
| P | *5/9-6/5 | | | |
| P | *6/24-7/6 | | | |
| P | *7/8-7/8 | | | |
| P | *7/12-8/2 | | | |
| D | 9/12-13/24 | P objects to 12/6-12/22 and 13/4-13/13 as violating order re motions in limine, lack of relevancy and foundation P objects to 13/15-13/25 on same grounds | Overruled Sustained | 9/12-12/9 12/14-13/5 13/7-13/13 |
| P | *9/12-10/14 | | | |

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| D | 14/1-15/2 | | Excluded 14/2-14/24 based on order re motions in limine re Murex | 14/25-15/2 |
| P | *14/14-14/19 | | | |
| D | 15/20-16/9 | | | 15/20-16/9 |
| D | 17/2-17/8 | | | 17/2-17/8 |
| P | 18/1-18/17 | | | 18/1-18/17 |
| D | 18/23-19/11 | | | 18/23-19/11 |
| P | 20/7-20/21 | | | 20/7-20/21 |
| P | 21/18-22/24 | | | 21/18-22/24 |
| D | 22/13-23/17 | | | 22/13-23/17 |
| P | 24/3-25/13 | | | 24/3-25/13 |
| P | 25/15-25/15 | | | 25/15-25/15 |
| P | 25/17-25/25 | | Excluded on Rule 403 confusion grounds | |
| P | 26/01-27/16 | D objects based on motion in limine rulings and lack of relevance | Overruled | 26/1-27/16 |
| P | 27/18-27/18 | | | 27/18-27/18 |
| P | 27/20-28/4 | | | 27/20-28/4 |
| P | 28/6-28/6 | | | 28/6-28/6 |
| P | 28/8-28/15 | | | 28/8-28/15 |
| P | 28/23-29/4 | | | 28/23-29/4 |
| P | 29/8-32/1 | | | 29/8-32/1 |
| P | 32/11-33/13 | | | 32/11-33/13 |
| P | 33/16-33/18 | | | 33/16-33/18 |

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| P | 33/24-36/2 | D objects to 34/4 to 35/6 based on argumentative, asked and answered, speculation, and Rule 403 D further objects on same grounds to 35/7 to 37/20 on same grounds and because improperly refer to other witness testimony | Overruled Overruled - form objection waived when not made at the time and witness agreed with the point of the question in any event at 35/12 | 33/24-36/2 |
| P | 36/4-37/20 | See above | Overruled | 36/4-37/20 |
| P | 38/20-38/25 | D objects to 38/20 to 40/8 as relating to testimony that the court stated it would exclude with respect to witness Anderson and hearsay | Sustained - lacks relevancy given court's rulings | |
| P | 39/1-39/23 | See above | Sustained - lacks relevancy given court's rulings | |
| P | 39/25-39-25 | See above | Sustained | |
| P | 40/2-40/8 | See above | Sustained in part and overruled in part | 40/5-40/8 |
| P | 40/11-43/10 | D objects to 40/11 to 47/25 under Rules 402-03 as being irrelevant and wasting time | Overruled | 40/11-43/10 |
| P | 43/12-43/14 | See above | Overruled | 43/12-43/14 |
| P | 43/16-43/23 | See above | Overruled | 43/16-43/23 |
| P | 43/25-44-02 | See above | Overruled | 43/25-44-02 |
| P | 44/06-47-25 | See above | Overruled | 44/06-47-25 |

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| P | 48/18-49/2 | D objects 48/18 for lack of relevancy and waste of time under Rule 402-03 grounds but adds that if admitted that 48/14-48/17 needs to be played | Overruled but include 48/14-48/17 | 48/14-49/2 |
| P | 49/4-51/4 | See above | Overruled | 49/4-51/4 |
| P | 51/7-52/1 | See above | Overruled | 51/7-52/1 |
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IT IS SO ORDERED.

Dated this 8th day of February, 2018.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge
United States District Court